

1. INTRODUCTION

This Inspection Report includes findings and observations concerning the National Pollutant Discharge Elimination System (“NPDES”) Stormwater Inspection (“Inspection”) conducted by José A. Rivera, Lead Environmental Engineer, Clean Water Act Team (the “EPA Inspector”), of the United States Environmental Protection Agency’s (“EPA”) Caribbean Environmental Protection Division (“CEPD”) at the Aguadilla Pier, Corp. (“Aguadilla Pier” or “APC”) property located in Aguadilla, Puerto Rico (the “Site” or “Property”). **Image 1** (below) depicts an aerial imagery of the Site found in Google Earth Pro™, with imagery dated June 11, 2017.

Image 1



Upon showing of the EPA-issued inspector credential to the guard on-duty, and thereafter to Mr. Carlos R. Román González at the Site’s Administrative Office Building, I conducted the Inspection pursuant to the authority in Section 308(a) of the Clean Water Act (“CWA”), as amended. The purposes of the Inspection were to:

- a. conduct a walkthrough of the Site and document observations;
- b. perform on-Site review of records concerning the 2022 NPDES Construction General Permit for Stormwater Discharges from Construction Activities;
- c. assess installation, maintenance and/or replacement of erosion and sediment controls, implementation of soil stabilization, and pollution prevention controls;

- d. asses construction support activities; and
- e. identify point source (outfalls) at the Site.

2. GENERAL DESCRIPTION OF THE SITE

The Site is bordered as follows: to the north, by Agricola Bianchi, Inc. property and San Miguel y Compañía, Inc. property; to the east, by Puerto Rico Railroad and Land Development Corporation property; to the south, by public properties; and to west, by the Atlantic Ocean. A main gate, internal roads (dirt roads and concrete roads) and five above ground structures are among the facilities found at the Site. The five structures are the Warehouse Building; an above-ground storage tank; Mechanical Shop Structure, an Administrative Office Building and two buildings publicly known as the “Gazebo” and “Potrero”.¹ **Attachment 1** of this Inspection Report depicts historical aerial imageries found at Google Earth ProTM.

3. OWNER OF THE SITE

On May 20, 2020, RL Partners, LLC (“RL Partners”) sold the Site to Aguadilla Pier. APC is a corporation registered in the Commonwealth of Puerto Rico Department of State (“DOS”), under registration number 429469. **Image 2** depicts general information about APC found at the following DOS web page: <https://rceweb.flhst.com/en/entity-information?c=429469-111>.

Image 2

AGUADILLA PIER, CORP.	
Details	Articles
Annual Filings	
Certificates	
General Information	
Name	AGUADILLA PIER, CORP.
Register No.	429469
Status	ACTIVE
Class	Corporation
Type	For Profit
Jurisdiction	Domestic
Formation Date	21-Jun-2019 03:21 PM
Effective Date	21-Jun-2019 03:21 PM
Expiration Date	Does not expire
Designated Office	
Street Address	Carr. #2, Km. 122, Aguadilla Town Center, Suite 4, 2da piso, AGUADILLA, PR, 00603
Mailing Address	P.O. Box 116, Victoria Station, AGUADILLA, PR, 00605
Resident Agent	
Name	Román González, Carlos R (Individual)
Street Address	Carr. #2, Km. 122, Aguadilla Town Center, Suite 4, 2da piso, AGUADILLA, PR, 00603
Mailing Address	P.O. Box 116, Victoria Station, AGUADILLA, PR, 00605

¹ The Gazebo and Potrero have been demolished.

The APC resident agent is Mr. Carlos R. Román González, who's also a corporate partner. Mr. Juan M. López Vicente is the other corporate partner registered in DOS.

4. **CONSTRUCTION ACTIVITIES**

Part 2.3 of the Storm Water Pollution Prevention Plan ("SWPPP") that RL Partners developed for the site, initially prepared on December 12, 2019, and last amended on March 10, 2022 (the "SWPPP"), states the general description of the construction activities at the Site. The description in the SWPPP follows:

- Existing pier structure will be repaired and/or renovated to ensure structural stability and accessibility.
- Existing surface roads will be repaired and expanded.
- Surface dirt roads will be paved and widened for easier access and soil stabilization.
- Two additional structures will be added in the westernmost quadrant of the construction.
- The industrial warehouse may be demolished as well as the old storage tank.

This Inspection Report describes the ongoing activities at the Site hereinbelow.

5. **OPERATOR AT THE SITE**

RL Partners is corporation registered in DOS, under registration number 3918. **Image 3** (next page) depicts general information about RL Partners found at the following DOS web page: <https://rceweb.flhst.com/en/entity-information?c=3918-1531>. RL Partners resident agent is Mr. Juan M. López Vicente. Mr. López Vicente and Mr. Carlos R. Román González are listed as authorized persons for RL Partners.

6. **NPDES PERMITTING²**

On January 19, 2017, EPA re-issued the NPDES General Permit for Discharges from Construction Activities ("2017 CGP"). The 2017 CGP expired on February 16, 2022. On January 18, 2022, EPA re-issued the 2022 NPDES Construction General Permit for Stormwater Discharges from Construction Activities ("2022 CGP"). The 2022 CGP became effective on February 17, 2022, replacing the 2017 CGP, and will expire on February 16, 2027.

Part 1.4.3 of the 2022 CGP includes Table 1. This table specifies the deadlines for submitting a Notice of Intent ("NOI") for coverage under the 2022 CGP. For an operator of an existing site, the

² Refer to the EPA June 29, 2022, letter to RL Partners concerning findings of non-compliance with the 2022 CGP and request for information about the Project. This letter includes a summary of EPA's review of its databases known as "Central Data Exchange / NeT" and the "Integrated Compliance Information System ("ICIS")" to determine the NPDES permitting status for the Project.

NOI submittal date was no later than May 18, 2022.³ Table 1 also indicates that the authorization date under the 2022 CGP is 14 calendar days after EPA notifies the applicant that it has received a complete NOI, unless EPA notifies the applicant that the authorization is delayed or denied.⁴

Image 3

The image is a screenshot of a business profile page for RL PARTNERS, LLC. The page has a blue header with the company name and four tabs: Details, Articles, Annual Filings, and Certificates. The 'Details' tab is selected. Below the tabs is a section titled 'General Information' containing a table of company details. This is followed by a 'Main Office' section with address information, and a 'Resident Agent' section with agent details. All addresses listed are 167 J.B. Huyke, Urb. J.B. Huyke, San Juan, PR, 00000, with a mailing address of 00918-2414.

RL PARTNERS, LLC			
Details	Articles	Annual Filings	Certificates
General Information			
Name	RL PARTNERS, LLC		
Register No.	3918		
Status	ACTIVE		
Class	Limited Liability Company		
Type	For Profit		
Jurisdiction	Domestic		
Formation Date	06-Dec-2012 08:27 AM		
Effective Date	06-Dec-2012 08:27 AM		
Expiration Date	Does not expire		
Main Office			
Street Address	167 J.B. Huyke, Urb. J.B. Huyke, San Juan, PR, 00000		
Mailing Address	167 J.B. Huyke, Urb. J.B. Huyke, San Juan, PR, 00918-2414		
Resident Agent			
Name	Juan M. López Vicente (Entity)		
Street Address	167 J.B. Huyke, Urb. J.B. Huyke, San Juan, PR, 00000		
Mailing Address	167 J.B. Huyke, Urb. J.B. Huyke, San Juan, PR, 00918-2414		

On May 12, 2022, Mr. Victor Nieves, RL Partners' Manager, signed and certified an electronic Notice of Intent for coverage under the 2022 CGP (the "RL Partners eNOI"). RL Partners identified one discharge in the RL Partners eNOI (Outfall 001: Aguadilla Bay). EPA granted RL Partners coverage under the 2022 CGP on May 26, 2022.

On August 2, 2002, Mr. Victor Nieves, RL Partners' Manager, signed and certified a "Change NOI". RL Partners identified three (3) discharge locations in the "Change NOI" (Outfall 001: Aguadilla Bay Almacen Norte; Outfall 002: Atlantic Ocean Almacen Sur; and Outfall 003: Atlantic Ocean Rotonda). A copy of a Site Map was included in the Change NOI, which is found in **Attachment 2** of this Inspection Report.

On August 16, 2022, EPA issued notification to RL Partners that the Change NOI has been accepted and coverage under the 2022 CGP is active.

³ A site with 2017 CGP coverage where construction activities commenced prior to February 17, 2022.

⁴ Provided that the applicant submits the NOI no later than May 18, 2022, EPA's authorization under the 2017 CGP is automatically continued until the applicant have been granted coverage under the 2022 CGP or an alternative NPDES permit, or coverage is otherwise terminated.

Aguadilla Pier has not submitted an NOI for the Site.

7. SUMMARY OF EPA'S INSPECTIONS AND ACTIONS

The following summarizes EPA's inspections and actions concerning the Site:

- a. August 27, 2019 – José M. Soto of EPA performed a site visit to follow-up to citizen complaints about the pier areas. Findings and observation were included in a memorandum dated August 28, 2019.
- b. October 9, 2019 – EPA issued a Request for Information letter issued to RL Partners, LLC pursuant to Section 308(a) of the CWA. EPA sought information as a result of the August 27, 2019 site visit and information received from Fish and Wildlife Services about construction activities at the Site.
- c. December 19, 2019 – Jaime López of EPA performed an NPDES Stormwater Inspection. Findings and observation were included in an Inspection Report, dated February 4, 2020.
- d. September 30, 2020 – EPA and RL Partners entered into a Penalty Agreement. Penalty amount was \$16,200, which was paid.
- e. June 9, 2022 – Yolianne Maclay, an EPA official, and I performed a site visit.
- f. June 29, 2022 – EPA issued to RL Partners a Notice of Site Visit, Records Review Findings and Request for Information letter. The letter included findings of records reviewed, description of observations, preliminary findings, and requested RL Partners to take corrective actions at the Site.

8. PRE-ARRIVAL INSPECTION NOTIFICATION

Just prior to arrival at the Site's gate, on or about 7:30 a.m., I called Mr. López Vicente. Thru a voicemail message, I notified Mr. López Vicente of the Inspection and asked him to contact me. Mr. López Vicente did not contact me.

I also called Mr. Nieves but were unable to speak with him or leave a voicemail message. I later learned during the Inspection that the telephone number I had for Mr. Nieves was not his telephone number.

9. ENTRY MEETING

I arrived at Site's gate at approximately 7:45 a.m. and showed my EPA-issued inspector credentials to the guard on duty. The guard on duty gave me access to the Site. I saw an excavator and hauling truck in operation at a stockpile located south of the Warehouse Building. The excavator was loading soil into the truck. Thereafter, I drove to the Administrative Office Building, and approximately at 7:53 a.m., I met with Mr. Román González and showed my EPA-issued inspector credentials. Upon request by Mr. Román González, we waited for Mr. Nieves to arrive before commencing the Inspection. I agreed to wait.

While waiting for Mr. Nieves to arrive, I explained the purposes of the Inspection and we engaged

in a dialogue about the Site and on-going construction activities. A summary of the dialogue is presented below:

- I explained that I will perform the inspection of the Site and upon completion, I will take a lunch break and perform an inspection of the Cliff Villas Hotel and Country Club Construction Project (hereinafter, “The Cliff”).
- Mr. Román González said that officials from the Puerto Rico Department of Natural and Environmental Resources (“DNER”) visited the Site on February 17, 2023, and that such visit was regarding the demolition activities of the Potrero and Gazebo. He said that the DNER officials requested that a stockpile found at the south side of the Site be moved to the The Cliff site.
- I explained that the Inspection will include an entry meeting, records review, a walkthrough of the Site, and an exit meeting. I also indicated that I will be taking pictures during the walkthrough.

During the last part of my dialogue with Mr. Román González, Mr. Nieves arrived, and I reiterated to both of them the purpose of the Inspection, the order of the activities to be performed during the Inspection, and inquired whether they had any questions prior to commencing the Inspection. Mr. Román González indicated that Ms. Nivia Ayala is his Environmental Consultant but that she could not be present because she was out of Island on travel.

Mr. Román González and Mr. Nieves also indicated that records/documents were re-located out of the Administrative Office Building due to experienced vandalism at the Site. We discussed this matter and agreed on allowing Mr. Román González and Mr. Nieves to bring the records (i.e., inspection reports) back to the Administrative Office Building for later review during the Inspection. Mr. Nieves indicated that he has the unsigned inspection reports in his lap-top computer for review, but I indicated that I will only review the completed and signed reports.⁵

The Entry Meeting ended at approximately 8:30 a.m.

10. RECORDS REVIEW / DOCUMENT DISCUSSIONS

Between 8:30 a.m. and 10:25 a.m., I performed a review of the last amended version of the SWPPP developed for the Site, dated March 10, 2022 (the “Site SWPPP”), and discussed with Mr. Nieves each part and appendixes. **Attachment 3** summarizes my findings, observations, and areas of concern regarding my review of Site SWPPP.

I also reviewed the Site Map included in the Change NOI and Site SWPPP and found that it does not show most of the features required in Part 7.2.4 (Site Map) of the 2022 CGP. Examples of features that are not shown in the Site Map follow:

- a. Outfall 002 and Outfall 003.

⁵ For the reason mentioned hereinabove, I did not review any inspection reports prepared for the Project during the Inspection.⁵

- b. Location where the stockpile is found, which is located south of the Warehouse Building.
- c. Areas north of the Mechanical Shop Structure where earth movement activities have occurred.
- d. Locations of potential pollutant sources such as areas at the Mechanical Shop Structure.
- e. Locations of stormwater controls.

11. WALTHROUGH OF THE SITE

After the conclusion of the review of records, Mr. Nieves and I began the walkthrough of the Site at approximately 10:30 a.m.⁶ I used an EPA-owned camara and my privately-owned Iphone 8+ to take pictures during the walkthrough.⁷

In summary, the activities at the Site are mostly associated with construction support activities for the construction activities being performed at The Cliff.⁸

The following describes the observations, findings and areas of concern resulting from the walkthrough:

- a. The building up of the stockpile located south of the Warehouse Building began on or about September 2022. **Image 4** (below: red-colored ellipse) and **Image 5** (next page: red-colored quadrangle) depict the stockpile from two aerial views.⁹

Image 4



⁶ During the walkthrough, Ms. Nivia Ayala contacted me by phone at approximately 11:13 a.m. She made herself available for the exit meeting by phone. The phone conversation ended at 11:17 a.m.

⁷ Olympus Stylus 720 SW Digital Camara, A93545562.

⁸ Refer to the NPDES stormwater regulations at 40 C.F.R. § 122.26(b)(14)(x) for the term “common plan of development or sale” for which the The Cliff and the Site fall under.

⁹ Source: Radio Entérate posting on FacebookTM, dated January 9, 2023.

Image 5



Perimeter controls were not installed for the stockpile (logs and silt fences), which are controls identified and selected in Part 4.4 of the Site WPPP. Also, the top of stockpile was not covered with vegetation for stabilization, which is another control identifies and selected in Part 4.4 of the Site SWPPP.

- b. The dirt road along the north, south and west areas of the Warehouse Building does not have any soil stabilization (e.g., vegetation), which was to be established by February 28, 2020, as described in Section 4.15 of the Site SWPPP.
- c. The operators at the Site did not have any working equipment and machinery for dust control at the Site. Also, the irrigation system for dust control is out of service. The Water Tank-Mounted Truck had not been used since it broke down on or about October 2022.
- d. The operators at the Site did not install perimeter controls for areas west of the Warehouse Building. Refer to Part 4.2 of the Site SWPPP in which the document states that compliance will be attained by using silt fence and Curle Sediment Logs (logs) along the perimeter and downslope areas.
- e. The entrance to the Site did not have an effective sediment track-out control. The crushed stone application has not been effectively maintained. Refer to Part 4.5 of the Site SWPPP about paved entrance to avoid entry or exit of dust and sediments from the Site.
- f. Sediment dikes were not observed at the Site, which is a control included in Part 4.11 of the Site SWPPP.
- g. The operators at the Site do not keep a stabilization log for soil stabilization, as required in Part 7.2.3.f. of the 2022 CGP. Appendix H of the Site SWPPPP has a form that has not been used for that purpose. **Image 6** (next page) depicts Appendix H.

Image 6

Stormwater Pollution Prevention Plan (SWPPP)
AGUADILLA PIER

Appendix H – Sample Grading and Stabilization Activities Log

Date Grading Activity Initiated	Description of Grading Activity	Description of Stabilization Measure and Location	Date Grading Activity Ceased (Indicate Temporary or Permanent)	Date When Stabilization Measures Initiated
			Click or tap to enter a date. <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	Click or tap to enter a date.
Click or tap to enter a date.			Click or tap to enter a date. <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	Click or tap to enter a date.
Click or tap to enter a date.			Click or tap to enter a date. <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	Click or tap to enter a date.
Click or tap to enter a date.			Click or tap to enter a date. <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	Click or tap to enter a date.
Click or tap to enter a date.			Click or tap to enter a date. <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	Click or tap to enter a date.
Click or tap to enter a date.			Click or tap to enter a date. <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	Click or tap to enter a date.

- h. Section 5.4 of the Site SWPPP describes a vehicle and equipment washing area, which was not observed at the Site. Such wash area is to be located at the northern east area of the Site by the gate, which is near the entrance.
- i. The northern area of the Site is being used as an access area from the Site to the The Cliff site.
- j. A dirt road along the east perimeter of the Site is being used as an access from the Site to the The Cliff site.
- k. A portable toilet was observed and was not secure to the ground, as required in Part 2.3.3.f of the 2022 CGP.
- l. Section 5.6 of the Site SWPPP describes washing activities and in particular, it states that washout concrete equipment to occur in a wash area on the northern east of the Site near end. The wash area was not observed at any location of the Site.
- m. Section 6.1 of the Site SWPPP indicated that inspections will be performed every seven (7) days. Mr. Nieves indicated that he is performing the inspections and that such inspections are conducted after rain events of 0.25 inches or more, not every seven (7)

days, as selected and described in the Site SWPPP.

- n. The soil in the north and northern areas of the Site had been disturbed.
- o. A dirt road located on the northeast area of the Site remains and is used for construction equipment access between the Site and the The Cliff site.
- p. A dirt road located along the east side of the site does not have any soil stabilization practice and dust controls.
- q. Storm water run-on from areas beyond the east boundary of the Site will flow into the dirt road described in Section 11.p of this Inspection Report. Storm water management controls to deviate these flows were not observed.
- r. Two additional point sources were observed and identified. **Image 7** (below) and **Picture 20** (Attachment 4) depict the approximate locations for both points sources.¹⁰

Image 7



¹⁰ The NOI does not include these point sources.

- s. The Mechanical Shop Structure did not have pollution prevention controls for the activities and materials observed therein.
- t. The Mechanical Shop Structure did not have any control to address stormwater run-on from flowing through its concrete floor.
- u. Additional comments and observation are found in **Attachment 4** (photo-documentation) of this Inspection Report.

It is noted that during the walkthrough of the Site, I discussed field observations with Mr. Nieves. The walkthrough of the Site ended at approximately 11:40 a.m.

12. **EXIT MEETING**

After the conclusion of the walkthrough of the Site, I conducted an exit meeting at the Administrative Office Building between 11:45 p.m. and 12:05 p.m. Mr. Nieves, Mr. Román González, and Ms. Nivia Ayala (by cellular phone) participated in the Exit Meeting.

I summarized the Inspection's activities, including the review of records and the areas visited during the walkthrough. Also, I indicated the following:

- a. That based on the review of the SWPPP, it will have to be updated including the Site Map.
- b. The Site has five (5) point source discharges into the Atlantic Ocean instead of the three (3) included in the RL Partners NOI and the Site Map. I explained the locations and rationale for such finding.
- c. The Mechanic Shop Structure did not have pollution prevention controls, sheltering controls for exposed activities and material used therein; and storm water runoff will easily flow through the concrete floor.
- d. I will prepare an inspection report.

At the conclusion of the exit meeting, the EPA Inspector departed at approximately 5:15 p.m.

13. **POST-INSPECTION**

a. Pictures

Upon arrival at my office on February 23, 2023, I unaltered transferred all pictures taken from the Nikon Camara and Iphone to my EPA Laptop computer hard drive.

b. Review of Site Inspections Documentation

By email on March 1, 2023, Ms. Elizabeth Pérez from Grupo Caribe/The Cliff Villas, sent inspection reports signed by Mr. Victor Nieves. I reviewed such inspections reports and EPA's records concerning the Project.

The review revealed that the form used for the reports is the same one depicted in **Image 16** found in **Attachment 3** of this Inspection Report. Comments and findings concerning inspections documentation is also found in **Attachment 3** of this Inspection Report.


The review also revealed that inspections were conducted under the 2022 CGP on the following dates:

- May 16 & 27, 2022 – Two of four required inspections were conducted.
- June 10 and 17, 2022 – Two of four required inspections were conducted.
- July 1, 11, & 29, 2022 (One of four required inspection was not conducted)
- August 1, 4, 8, 16, 22, 23, & 26, 2022
- September 5, 14, 19, 20, & 30, 2022
- October 3, 6, 10, 11, 17, 19, 24, & 26, 2022
- November 11, 14, & 15, 2022 (One of four required inspections were conducted)
- February 1 & 8, 2022 (Two of four required inspections were conducted)

c. Review of the Compliance Plan of Action

By letter dated July 29, 2022, RL Partners provided its response to the EPA June 29, 2022 letter referenced above. RL Partners submitted a Plan of Action (“PAO”), which among other things, indicated that it will close the access roads from both sides¹¹ by August 18, 2022, and that it will provide final stabilization using geotextiles and fiber blankets for re-vegetation by August 18, 2022. **Image 8** (below) depicts such statements found in the PAO.

Image 8


A. Compliance Plan of Action (CPA)				
To comply with the requirements under the Notice of Site Visit and Record Review Findings letter of June 29, 2022, the following CPA was prepared by RL Partners:				
<i>Table 2 Compliance Plan of Action</i>				
Task	Corrective Actions	Start Date	End date	Costs
Erosion controls and flow management for stormwater runoff flowing from The Cliff Site into the Site. 	Achieve correct grading to redirect stormwater flow.	08/03/2022	08/05/2022	\$800
	Close access road from both sides.	08/08/2022	08/09/2022	\$600
	Provide final stabilization using geotextiles and fiber blankets for re-vegetation	08/10/2022	8/18/2022	\$1200

¹¹ Refer to Table 2 titled Compliance Plan of Action on page 4.

Based on the observations made during the walkthrough of the Site and documented in **Attachment 4** of this Inspection Report, the access road on the upper northwest area of the Site was blocked and closed. On the other hand, the other access road on the upper northeast area of the Site was found opened and per with Mr. Nieves statements, it has been used for access between the Site and the The Cliff site.

RL Partners also states in the PAO that the Site SWPPP will be amended when all corrective actions are completed, and that such amendments were to be completed by August 25, 2022. As stated above, the SWPPP has not been amended since March 10, 2022. **Image 9** (below) depicts such statements found in the PAO.

Image 9

				
SWPPP Modification	The SWPPP will be amended when all the corrective actions are completed.	08/19/2022	08/25/2022	N/A

My review of publicly available aerial imagery revealed that at an unknown time after the EPA June 9, 2022 inspection of the Site, the access road located on the upper northeast of the Site was further enlarged¹² and a long stretch of stockpiling was established.

Image 10 (next page) depicts the access road (red-colored circle) and stockpile (yellow-colored rectangle). As such, two areas of the Site have been used for stockpiling in support of the The Cliff project.

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¹² See Picture 25 in Attachment 4 of this Inspection Report.

Image 10



End of Report

Attachment 1: Historical Aerial Imageries

Attachment 2: Site Map

Attachment 3: Findings, Observations, and Areas of Concern regarding the Site SWPPP

Attachment 4: Inspection Photo-Documentation



ATTACHMENT 1

HISTORICAL AERIAL IMAGERIES

GOOGLE EARTH PRO™

Image 11 (11/29/2017)



Image 12 (5/1/2018)



Image 13 (12/3/2019)



Image 14 (6/19/2020)



Image 15 (4/11/2021)



Image 16 (1/22/2022)



Image 17 (4/2022)



Image 18 (9/20/2022)

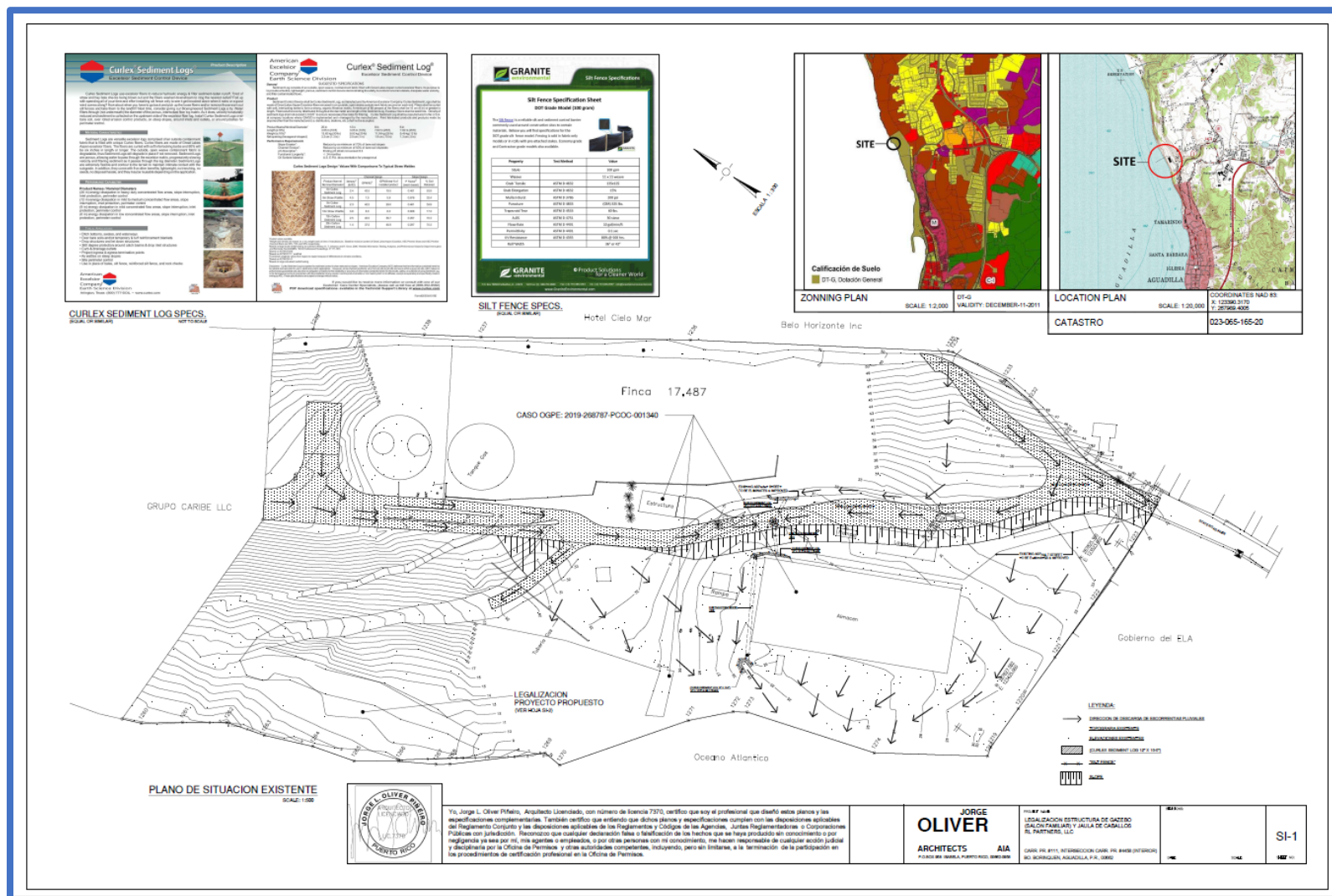




ATTACHMENT 2

SITE MAP

SITE MAP ATTACHED TO RL PARTNERS NOTICE OF INTENT “LEGALIZACION DE ESTRUCTURA DE GAZEBO (SALON FAMILIAR) Y JAULA DE CABALLOS”





ATTACHMENT 3

FINDINGS, OBSERVATIONS, AND AREAS OF CONCERN REGARDING THE SITE SWPPP

Findings, Observations, and Areas of Concern Regarding the Last Amended Version of the SWPPP

Part 7.4 (SWPPP Modifications) of the 2022 CGP includes the conditions that require modification to a SWPPP. The following includes findings and comments regarding my review of the Site of the SWPPP. The findings and comments are based on the requirements and conditions in Part 7 (Stormwater Pollution Prevention Plan) of the 2022 CGP.

1. The Site SWPPP was prepared by Mr. Alfredo Cintrón. Mr. Nieves indicated that Mr. Cintrón is a member of the Administrative Team. The Site SWPPP did not include documentation on the Stormwater Team Formation and Staff Training Requirements. Refer to Part 7.2.2. of the 2022 CGP. Also, the Site SWPPP does not include documentation that Mr. Cintrón is a qualified person.

Comment: Per Appendix A of the 2022 CGP, a “Qualified Person” is a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact stormwater quality, and the appropriate skills and training to assess the effectiveness of any stormwater controls selected and installed to meet the requirements of this permit.

2. Parts 7.1 and 7.2.3 – The Site SWPPP has not been kept up-to-date and numerous descriptions and information included therein are not applicable and/or do not address current and future activities at the Site.

For example, none of the activities described in Section 2.3 of the Site SWPPP are currently being performed and/or were already completed. On the other hand, the ongoing activities, other than the demolition of two structures (Gazebo and Potrero) on the lower west side of the Site, include soil stockpiles that came from earth movement activities at the The Cliff; fueling, maintenance and repair of equipment at a Mechanical Shop Structure in support to the activities conducted at The Cliff; and internal access roads to those areas, including to the The Cliff.

Based on review of records and the discussions during the Inspection, the only projected construction activity at the Site is the widening and paving of the access road from the Site entrance along the east boundary of the Site until reaching the The Cliff site.

Comment: Appendix A of the 2022 CGP define the terms “Borrow Areas”, “Common Plan of Development or Sale” and “Construction Support Activity”. See definition for each term, below:

- “Borrow Areas” – The areas where materials are dug for use as fill, either onsite or off-site.
- “Common Plan of Development or Sale” – A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

→ “Construction Support Activity” – A construction-related activity that specifically supports the construction activity and involves earth disturbance or pollutant-generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

3. Part 6.1 of the 2022 CGP – The Stormwater Pollution Team in Section 1.2 does not include the personnel responsible for the installation, maintenance, and/or repair of the stormwater controls. These personnel include those construction workers engaged on such activities.
4. The “Change NOI” identifies three discharge points (Outfall 001; Outfall 002; and Outfall 003) but the Site SWPPP only identifies one (Outfall 001).
5. The description of the pollutant-generating activities on page 6 of the Site SWPPP identifies activities that were completed and/or not described in the nature of the construction activities. Examples of these activities are: the construction of new structures, soil stockpiles and exposed soils associated with heavy machinery movement between the Site and the The Cliff site.
6. The sequence and estimated dates of construction in Section 2.4 of the Site SWPPP include four construction phases. The activities for Phase IV (access road for the adjacent The Cliff site) have not initiated.
7. Section 2.5 of the Site SWPPP identifies authorized non-stormwater discharges present at the Site that are not on-going and/or expected. Examples of these are: uncontaminated air conditioning, foundation drains, footing drains, and uncontaminated construction dewatering water.
8. Section 2.6 of the Site SWPPP includes two site maps. The maps have not been updated to depict the on-going activities, and control measures.
9. Section 4.6 of the Site SWPPP did not include any description to address steep slopes disturbances, which will take place during the widening of the dirt road along the east boundary of the Site.
10. Section 4.7 of the Site SWPPP should be blank since there is no topsoil storage at the Site.
11. The Mechanical Workshop Structure is not described in the SWPPP. As such, Sections 5.1 and 5.3. of the Site SWPPP do not address pollution prevention controls for the Mechanical Workshop Structure and activities conducted therein and nearby.
12. Appendix D of the Site SWPPP includes a form title “2022 Construction General Permit Site Inspection Report”, which has not been edited to make it a Site-specific form. **Image 19** (next page) depicts the form being used, which does not meet the requirements in Part 4.6 of the 2022 CGP.
13. Appendix I of the SWPPP does not include any documentation about training.

Image 19

Fecha: 16/5/2022 Inspector: Victor Nieves

Condiciones de tiempo: ☒ Soleado ☐ Lloviendo ☐ Medida de lluvia +0.25? 0.00 in.

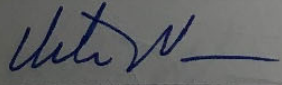
Medida de Control	Mantenimiento Requerido?	Acción Correctiva Requerida?
Carretera de salida hacia carretera limpia sin sedimento:	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No
Área de limpieza de vehículos, gomas funcionando:	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No
Área de relleno de combustible limpio y sin derrames:	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No
Almacén de materiales y químicos recogido sin derrames:	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No
Envases de químicos, combustible en buenas condiciones:	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No
Materiales de construcción tapados, protegidos de lluvia:	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No
Puntos de salida de escorrentías funcionales:		
• Punto 1 – Almacén Sur	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No
• Punto 2 – Almacén Norte	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No
• Punto 3 – Redondel Abajo	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No	<input type="checkbox"/> Si <input checked="" type="checkbox"/> No

Alguna condición que podría causar derrame o acumulación de contaminantes: ☐ SI ☒ NO

Resumen de inspección y mantenimiento realizado:

No requiere mantenimiento.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Victor Nieves, Signatory



ATTACHMENT 4

INSPECTION PHOTO-DOCUMENTATION¹³

¹³ The following pictures were only modified in size to fit the page. Other features were added, such as arrows and other geometric shapes, to further locate the described observations in the applicable picture.

Picture 1
(Nikon Camara: P2221341.JPG; 2/23/23; 10:36 a.m.)



Comment/Observation:

- ✚ This picture depicts several signs including NPDES ID under the 2022 CGP.
- ✚ This picture also depicts the main access roads to the center areas of Site.

Picture 2
(Nikon Camara: P2221340.JPG; 2/23/23; 10:35 a.m.)



Comments/Observations:

- ✚ This picture depicts the entrance and exit on the south boundary of the Site.
- ✚ As stated in the Inspection Report, the control measure (crushed stone) for this entrance has not been maintained and does not meet the requirements of the 2022 CGP.

Picture 3

(Nikon Camara: P2221344.JPG; 2/23/23; 10:43 a.m.)



Comments/Observations:

- ✚ This picture depicts areas near the entrance and exit of the Site.
- ✚ The dirt road at the center of this picture depicts the road to be widened along the east boundary of the Site, which it is also the main access to the The Cliff site. The dirt road does not have soil stabilization.
- ✚ The silt fence depicted in this picture is deteriorated.
- ✚ The other areas depicted in this picture lacked soil stabilization.

Picture 4
(Iphone 8+: IMG_5686.JPG; 2/23/23; 4:30 p.m.)



Comments/Observations:

- ✚ This picture depicts a segment of the dirt access road located along the east perimeter of the Site. Particularly, this picture shows its connection to the main entrance of the Site.
- ✚ This dirt access road lacked soil stabilization.
- ✚ Storm water run-on from areas east of the Site flows into the Site. Storm water management controls were not implemented to manage such run-on flows away from exposed soils.
- ✚ The red-colored arrows depict the runoff path.

Picture 4
(Nikon Camara: P2221339.JPG; 2/23/23; 10:35 a.m.)



Comments/Observations:

- ✚ This picture mainly depicts the south boundary of the Site and the soil stockpile located south of the Warehouse Building.
- ✚ The silt fence was deteriorated.
- ✚ No perimeter controls for the stockpile.

Picture 5
(Nikon Camara: P2221338.JPG; 2/23/23; 10:34 a.m.)



Comments/Observations:

- ✚ This is another view of the stockpile shown in Picture 4, above.
- ✚ No perimeter controls for the stockpile.
- ✚ A portion of the stockpile was removed.
- ✚ An excavator is shown, which is the same one observed in operation during Inspection entry to the Site.

Picture 6
(Nikon Camara: P2221346.JPG; 2/23/23; 10:46 a.m.)



Comments/Observations:

- ✚ This picture depicts areas between the soil stockpile and Warehouse Building.
- ✚ The silt fence was not installed according to installation specifications.

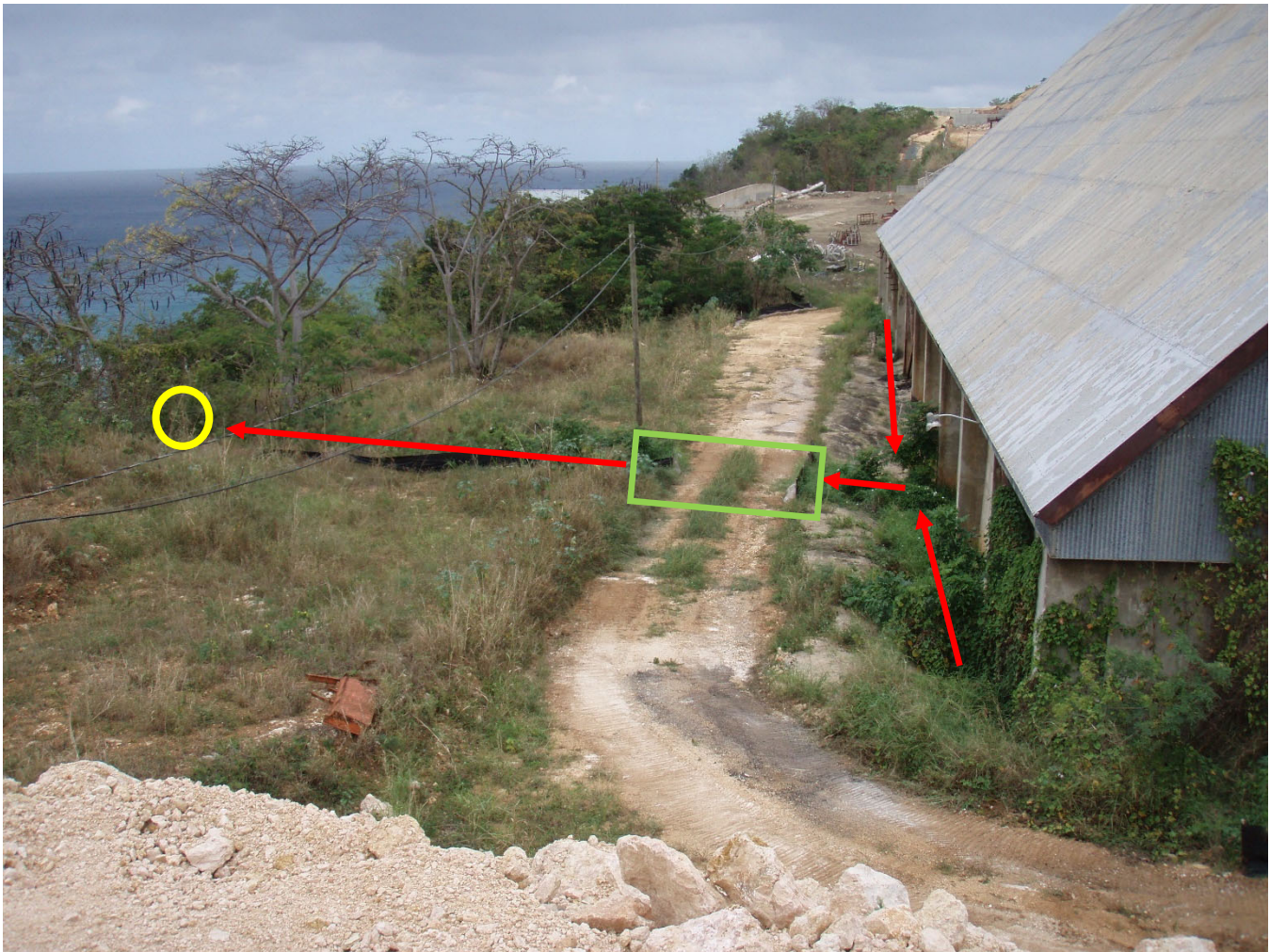
Picture 7
(Nikon Camara: P2221342.JPG; 2/23/23; 10:38 a.m.)



Comments/Observations:

- ✚ This picture also depicts areas near the soil stockpile, a dirt road and Warehouse Building.
- ✚ Soil stabilization controls were not implemented at the dirt road.
- ✚ Refer to comments and observations on Picture 6, above.

Picture 8
(Nikon Camara: P2221343.JPG; 2/23/23; 10:38 a.m.)



Comments/Observations:

- ✚ This picture depicts areas between the stockpile and west areas of the Warehouse Building.
- ✚ The yellow-colored circle picture depicts the approximate location of Outfall 002. The “Change NOI” indicates “002: Atlantic Ocean Almacén Sur”. The red-colored arrows depict the approximate discrete conveyances and runoff path toward Outfall 002. The green-colored rectangle depicts the approximate location of culvert under the dirt road.
- ✚ Soil stabilization controls were not implemented at the dirt road.
- ✚ Perimeter controls, other than established vegetation, were not implemented for a portion of the soil stockpile.

Picture 9

(Nikon Camara: P2221347.JPG; 2/23/23; 10:47 a.m.)



Comments/Observations:

- ✚ The picture depicts a closer view of the west end of the green-colored rectangle shown in Picture 8, above.
- ✚ The silt fence is deteriorated and portions of it were not installed according to installation specifications.

Picture 10
(Nikon Camara: P2221348.JPG; 2/23/23; 10:48 a.m.)



Comments/Observations:

- ✚ The picture depicts another closer view of the west end of the green-colored rectangle shown in Pictures 8, above.
- ✚ The silt fence is deteriorated and portions of it were not installed according to installation specifications.

Picture 11
(Nikon Camara: P2221345.JPG; 2/23/23; 10:46 a.m.)



Comments/Observations:

- ✚ The picture depicts areas east of the Warehouse Building covered with vegetation.
- ✚ The silt fence is deteriorated and portions of it were not installed according to installation specifications.

Picture 12

(Nikon Camara: P2221336.JPG; 2/23/23; 10:31 a.m.)



Comments/Observations:

- ✚ This picture depicts the main concrete paved road to the Site, heavy equipment (i.e., excavator, hauling truck) and the soil stockpile.
- ✚ This picture also depicts a yellow-colored rectangle showing the approximate location of an underground conveyance that collects and directs storm water runoff from areas east of the main concrete paved road to the northwest areas near the Warehouse Building. Such areas are depicted on Picture 13 (next page).

Picture 13
(Nikon Camara: P2221337.JPG; 2/23/23; 10:32 a.m.)



Comments/Observations:

- ✚ This picture depicts a yellow-colored rectangle showing the approximate location of the other side of the underground conveyance shown on Picture 12 (above), which is located on the northeast corner of the Warehouse Building.
- ✚ The red-colored arrows depict the approximate storm water runoff paths towards Outfall 001. The yellow-colored circle depicts the approximate location of Outfall 001. The “Change NOI” indicates “001: Atlantic Ocean Almacén Norte”.
- ✚ Soil stabilization controls not implemented at the dirt road.
- ✚ Established vegetation found in the nearby areas north of the Warehouse Building.
- ✚ Two 5-gallon containers of unknown content exposed to rain.

Picture 14
(Iphone 8+ Camara: IMG_5651.JPG; 2/23/23; 10:57 a.m.)



Comments/Observations:

- ✚ This picture depicts the north side of the Warehouse Building and areas nearby.
- ✚ The yellow-colored circle depicts the approximate location of Outfall 001. The red arrows depict the approximate storm water runoff path towards Outfall 001.
- ✚ Access road to the Warehouse Building and surrounding areas depicted lacked soil stabilization, erosion controls and storm water runoff management.
- ✚ Two small soil piles without erosion controls. One of the soil piles also observed with construction debris and lacking erosion controls. Fresh heavy equipment tracks also shown.

Picture 15

(Iphone 8+ Camara: IMG_5650.JPG; 2/23/23; 10:53 a.m.)



Comments/Observations:

- ✚ This picture depicts the approximate location of Outfall 001 (yellow-colored circle) located on northwest area of the Warehouse Building. This picture also depicts another view of the areas north of the Warehouse Building.
- ✚ The red arrow depict approximate storm water runoff path from Outfall 001 towards the receiving water.
- ✚ Access road to the Warehouse Building and surrounding areas depicted lacked soil stabilization, erosion controls and storm water runoff management.
- ✚ The silt fence and logs were deteriorated, and fresh heavy equipment tracks also shown.

Picture 16

(Iphone 8+ Camara: IMG_5653.JPG; 2/23/23; 11:00 a.m.)



Comments/Observations:

- ✚ This access road on the west side was blocked with boulders. The erosion controls (i.e., silt fence and what appears to be hay bales) are deteriorated.
- ✚ Areas of this dirt road remains without final soil stabilization, which are mostly found on the upper side of the slope.
- ✚ This picture also depicts the concrete road to the lower areas of the Site on the west boundary, where two structures were constructed and later demolished.

Picture 17
(Iphone 8+ Camara: IMG_5667.JPG; 2/23/23; 11:19 a.m.)



Comment/Observation:

- ✚ Picture depicts concrete road to the lower areas of the Site on the west boundary, where two structures were constructed, and demolished.
- ✚ Sediment track out marks on the concrete pavement also shown.

Picture 18

(Iphone 8+ Camara: IMG_5654.JPG; 2/23/23; 11:01 a.m.)



Comment/Observation:

- ✚ This picture depicts a soil disturbed area (i.e., clearing and grubbing), which is an dirt road towards the shoreline area where conveyor pillars are found. This area was disturbed for access to the two structures (Gazebo and Potrero) on the lower west side of the Site.
- ✚ Erosion controls were not implemented.
- ✚ Fresh tracks of heavy equipment and loose soil also depicted.
- ✚ The red-colored arrows depict downhill runoff path.

Picture 19

(Iphone 8+ Camara: IMG_5657.JPG; 2/23/23; 11:08 a.m.)



Comments/Observations:

- ✚ This picture depicts another view of soil disturbed area (i.e., clearing and grubbing) shown on Picture 18 (above), which is a dirt road towards the shoreline area where the conveyor pillars are found. This area was disturbed for access to the two structures (Gazebo and Potrero) on the lower west side of the Site.
- ✚ Erosion controls were not implemented.
- ✚ Fresh tracks of heavy equipment and loose soil also depicted.
- ✚ The red-colored rectangle depicts a front view of the area shown on Picture 18 (above). The yellow-colored arrows depict the downhill runoff path towards the shoreline.

Picture 20
(Iphone 8+ Camara: IMG_5658.JPG; 2/23/23; 11:08 a.m.)



Comments/Observations:

- ✚ This picture depicts the lower area of the dirt road to the shoreline where one of the conveyor pillows is located.
- ✚ The yellow-colored ellipse depicts an area of the access road blocked with boulders and concrete portable low walls, and an identified outfall during the Inspection, which has been named Outfall 004 for the purposes of this Inspection Report.
- ✚ The red-colored arrows depict downhill storm water runoff path towards the shoreline.

Picture 21

(Iphone 8+ Camara: IMG_5655.JPG; 2/23/23; 11:04 a.m.)



Comments/Observations:

- ✚ This picture depicts the lower area of the access road to the areas where two structures (Gazebo and Potrero) were built (and demolished) on the west areas of the Site.
- ✚ The yellow-colored ellipses depict Outfall 003. The “Change NOI” indicates 003: Atlantic Ocean Rotonda.
- ✚ End of pipe flow dissipation installed, as depicted (i.e., silt fence, sod grass, and logs).

Picture 22
(Iphone 8+ Camara: IMG_5656.JPG; 2/23/23; 11:05 a.m.)



Comments/Observations:

- ✚ This picture depicts an area on the lower west side of the Site where a pile containing soil, concrete pieces, and bars, among other materials, are found.
- ✚ This is the areas where the Gazebo was constructed and then, demolished.
- ✚ Silt fence was installed along the perimeter of the area where the Gazebo was located.

Picture 23

(Iphone 8+ Camara: IMG_5660.JPG; 2/23/23; 11:19 a.m.)



Comments/Observations:

- ✚ This picture depicts a wider view of the Site, which was taken from the northwest area. It depicts, among others, the northside of the Warehouse Building, Mechanical Shop Structure, above-ground storage tank, and disturbed soils on the upper north areas.
- ✚ The red-colored arrows depict the storm water flow path towards the lower mid area of the Site. The Mechanical Shop Building does not have any best management practice (e.g., low concrete wall) along its north, west, and south sides, to prevent and manage runoff from flowing through it.
- ✚ Picture also depicts fresh track marks on the disturbed soils.
- ✚ No erosion controls implemented to address the flow in yellow-colored areas shown in this picture.

Picture 24
(Iphone 8+ Camara: IMG_5662.JPG; 2/23/23; 11:19 a.m.)



Comments/Observations:

- ✚ This picture depicts an upper side area of the Site, just north of the Mechanical Shop Structure and the above-ground storage tank, in which disturbed soil and fresh tracks on the ground shown.
- ✚ The red-colored arrows depict the approximate storm water runoff path towards a temporary storm water retention pond, which overflows toward a larger area that has a concrete retaining wall on the west and south side that creates an impoundment area.
- ✚ The yellow-colored arrows depict the approximate storm water runoff path towards areas within the Mechanical Shop Structure and beyond.

Picture 25
(Iphone 8+ Camara: IMG_5661.JPG; 2/23/23; 11:19 a.m.)



Comments/Observations:

- ✚ This picture depicts the access area between the Site and the The Cliff located on the northeast area of the Site, which is demarked with the yellow-colored rectangle.
- ✚ The red-colored arrows depict the approximate runoff path towards a temporary retention pond and the impoundment area described in Picture 24 (above).
- ✚ This access area is one of other storm water run-on locations into the Site, which does not have any run-on control measures to divert from exposed soils.

Picture 26

(Iphone 8+ Camara: IMG_5663.JPG; 2/23/23; 11:37 a.m.)



Comments/Observations:

- ✚ This picture depicts the west side of the Mechanical Shop Structure lacking storm water management to divert and eliminate runoff from entering into the concrete slab and getting in contact with the activities and materials therein.
- ✚ This picture also depicts used oil filter exposed to rain and other containers without any pollution prevention measures.

Picture 27
(Iphone 8+ Camara: IMG_5664.JPG; 2/23/23; 11:39 a.m.)



Comments/Observations:

- ✚ This picture depicts an area inside the Mechanical Shop Building.
- ✚ I observed individuals performing repairs to machinery.
- ✚ I also observed opened containers and oil stains on the concrete floor, and lack of pollution prevention controls therein.
- ✚ A 55-gallon blue-colored container had trash and other waste without cover.
- ✚ Sediment track towards the slope beyond the south side of the Mechanical Shop Structure was also observed, which is also shown in this picture.

Picture 28
(Nikon Camara: P2221335.JPG; 2/23/23; 10:30 a.m.)



Comment/Observation:

- ✚ Litter and trash shown in yellow-colored ellipse located south of the Administrative Office.